



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Comvest Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Comvest Loan," ("Comvest Loan") [DE 8693] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the

1 Objection having been filed; the Court noting on the record that the disallowance of the
2 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
3 borrower or from the collateral securing the Comvest Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8693] is sustained; and
- 6 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
7 claims are based upon an investment in the Comvest Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
ComVest Loan
Multiple Loan Claims**

10725-01208	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	50,000.00
10725-02353	1/16/2007	Musso Living Trust Dtd 11/30/92	Walter & Barbara Musso Ttees 48 Williams Drive Moraga, CA 94556	623,004.79	50,000.00
10725-01925	1/11/2007	Nancy R Gilmour IRA	C/O First Savings Bank Custodian PO Box 1241 Camano Island, WA 98292-1241	406,008.22	50,000.00
10725-02380	1/16/2007	Nancy R Gilmour IRA	First Savings Bank Custodian For PO Box 1241 Camano Island, WA 98292-1241	406,008.22	50,000.00
10725-01959	1/10/2007	Osherow Trust Dtd 9/11/89	Aaron Osherow Trustee 8025 Maryland Avenue Apt 10-C Clayton, MO 63105	1,088,466.02	75,000.00
10725-02254	1/12/2007	Peele Spousal Trust Dtd 2/10/87	Jennefer C Peele Teee 2581 Rampart Ter Reno, NV 89519	507,424.02	50,000.00
10725-01878	1/8/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	10,451.54	Unknown
10725-02226	1/12/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NY 89448	4,884,068.70	75,000.00
10725-00254	10/3/2006	Robert J & Kathleen M Rowley Living Trust	C/O Peter Susi Esq, Michaelson Susi & Michaelson 398 Arboleda Road Santa Barbara, CA 93110	160,000.00	100,000.00
10725-02279	1/12/2007	Winkler Family Trust Dtd 3/13/86	Carmel & Rudolf Winkler Trustee 10000 Rossbury Pl Los Angeles, CA 90064	1,210,635.98	50,000.00
10725-02027	1/11/2007	Zadel, William	Po Box 1817 Parowan, UT 84761	150,000.00	50,000.00

EXHIBIT A

2424991.1